

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JUSTIN GUY, individually on behalf
of himself and others similarly situated,

Plaintiff,

v.

ABSOPURE WATER COMPANY, LLC,
a domestic limited liability company,

Defendant.

Case No.: 20-CV-12734

Hon. Mark A. Goldsmith

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**PLAINTIFF’S MEMORANDUM REGARDING REPRESENTATIVE
TESTIMONY FOR GENERALIZED PRACTICES**

Plaintiff, Justin Guy, on behalf of himself and the finally certified class of Opt-in Plaintiffs, hereby submits this memorandum pursuant to the Court’s Order Following Hearings on Pretrial Matters, [ECF No. 191], regarding representative testimony.

Plaintiff intends to use representative testimony regarding Defendant’s general practices and ancillary duties completed by Plaintiffs that are not directly related to the disputed issues pertaining the Plaintiffs’ hours worked, use of vehicles that weigh 10,000 pounds or less, or the Motor Carrier Act Exemption. This representative testimony will assist in streamlining the trial and avoid wasting time on cumulative testimony.

To the extent this is even considered “representative testimony”, Plaintiff intends to obtain testimony from a few Plaintiffs to establish the following general practices for all Plaintiffs: Plaintiffs’ general duties and responsibilities, Defendant’s operational procedures, Defendant’s criteria for route assignment, Defendant’s check in/out process, Defendant’s (lack of) timekeeping methodology, and Defendant’s method of compensation.

Representative testimony is appropriate for these discussions because these issues are not in dispute or germane to the disputed issues of fact; they are not relevant to the hours that each Plaintiff worked, usage of vehicles that weight 10,000 pounds or less, or the Motor Carrier Act exemption. For example, it is undisputed that Defendant utilized the same timekeeping methodology, and requiring each plaintiff to individually provide cumulative testimony concerning the timekeeping methodology applicable to them does not serve any substantive purpose and will only waste time.

WHEREFORE, Plaintiff respectfully request the Court permit Plaintiffs to provide “representative testimony” concerning Plaintiffs’ general duties and responsibilities, Defendant’s operational procedures, Defendant’s criteria for route assignment, Defendant’s check in/out process, Defendant’s (lack of) timekeeping methodology, and Defendant’s method of compensation.

Respectfully submitted,

Dated: November 21, 2023

By: /s/ Michael N. Hanna
MORGAN & MORGAN, P.A.
Michael N. Hanna
Michigan Bar No.: P81462
Florida Bar No.: 85035
2000 Town Center, Suite 1900
Southfield, MI 48075
(313) 739-1953
mhanna@forthepeople.com

-and-

/s/ Andrew R. Frisch
MORGAN & MORGAN, P.A.
Andrew R. Frisch
8151 Peters Road, Suite 4000
Plantation, FL 33324
(954) WORKERS
afrisch@forthepeople.com

Attorneys for Plaintiffs

LOCAL RULE CERTIFICATION

I, Michael Hanna, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

/s/ Michael N. Hanna
Michael N. Hanna

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed using the CM/ECF system on November 21, 2023, which I understand will send a notice of same to all counsel of record.

/s/ Michael N. Hanna
Michael N. Hanna